

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

SUBJECT ADMINISTRATION OF WORKER'S COMPENSATION LIABILITIES	Number 62.00	Issue 1	Page 1 of 7
	Effective Date June 26, 1975		

1. PURPOSE

- 1.1 To define the City's self-administered program for meeting its Worker's Compensation liabilities in compliance with the Worker's Compensation provisions of Division 4 of the California Labor Code; to establish procedures for reporting occupational injuries and illnesses of City employees.

2. SCOPE

- 2.1 This regulation applies to all departments.

3. POLICY

- 3.1 To self-insure the City's Worker's Compensation liabilities, and to self-administer the program.
- 3.2 To provide employees with all Worker's Compensation benefits to which they are entitled under law.
- 3.3 To provide for adequate medical care available to rehabilitate the industrially injured or ill employee to the standards prescribed by the Civil Service Commission and return the employee to work as soon as possible.
- 3.4 To provide for medical care at the prevailing fee schedule to assure a greater selection of doctors and the full cooperation of the medical community in treating City employees.
- 3.5 To permit occupationally injured or ill employees to initially choose their own medical doctor, medical specialist or treating medical facility. However, the City will retain the right, in the interests of effective control of the City injury leave program and of effective treatment and rehabilitation, to direct the employee to a physician or facility of its choice.
- 3.6 To discourage treatment by practitioners of Chiropractic and other non-medical disciplines, unless such treatment is authorized by, recommended by, or performed under the supervision of a qualified Doctor of Medicine.

Authorized

(Signed by John W. Witt)

City Attorney

(Signed by Sue Williams)

Personnel Director

(Signed by Hugh McKinley)

City Manager

(Signed by W.G. Sage)

City Auditor and Comptroller

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- 3.7 To consult directly with occupationally injured or ill employees to assure them of the City's interest in their progress, to seek their advice in eliminating such causes of disability in the future, and to guide the employee toward eventual rehabilitation or fiscal settlement of his residual disability.
- 3.8 To develop rehabilitation standards in cooperation with the Personnel Department which will permit injured or ill employees to be returned to work in accordance with merit system principles.
- 3.9 To avoid litigation of disputed cases by encouraging direct conference with the employee or employee representative to resolve by equitable compromise those issues in dispute.
- 3.10 To obtain approval by the State of California Worker's Appeals Board of all comprised issues, and to have all irresolvable issues adjudicated by the Worker's Compensation Appeal Board and subsequent higher levels of appeal when applicable.

4. Responsibility of the Worker's Compensation Section

- 4.1 The Worker's Compensation Section is responsible for the following:
 - a. Performing all activities necessary to maintain records, make all necessary filing with the appropriate State Authorities, and send all required notices to employees, all in timely fashion to comply with the City's obligations under the Worker's Compensation Law.
 - b. Insuring that all necessary investigations to determine eligibility for Worker's Compensation Benefits are made, approving legitimate claims, and denying liability on behalf of the City on those claims which do not qualify.
 - c. Supplying the City Attorney with all necessary data in appeal cases where litigation is actively commenced with the Worker's Compensation Appeals Board; preparing recommended answers for filing by the City Attorney with the Worker's Compensation Appeals Board.

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- d. Obtaining all necessary independent medical evaluation and other pertinent data necessary for the proper evaluation of the City's liability on Worker's Compensation cases; negotiating and entering into Compromise and Release settlements of cases where such action is deemed to be in the City's best interest.
- e. Preparing Direct Payment Requests to the Auditor and Comptroller for payment of all benefits due under Worker's Compensation Laws.
- f. Maintaining proper allocation of payments as required by the City's standard accounting procedures; establishing necessary budgets and rendering periodic reports to facilitate proper budgeting and accounting for expenditures; publishing and distributing to department and division heads monthly statistical reports to assist the City Loss Prevention Program.
- g. Performing all functions necessary for the recovery of City costs for employee injuries, disabilities and absences caused by others as set forth in the City's Claims Recovery Program (see Administrative Regulation 62.10).
- h. Assuming such other functions as may be established by law or by Administrative Regulation.

5. PROCEDURE

<u>Responsibility</u>	<u>Action</u>
Injured Employee	<ul style="list-style-type: none">1. Completes and signs "Employee-Employer Report of Occupational Injury or Illness" (Form ES-1531A) within 24 hours of the injury or as soon as the employee is physically able to do so.2. Retains one copy and gives original and three copies to immediate supervisor.3. <u>In lost-time cases only:</u> prepares original and four (4) copies of "Request for Leave of Absence for On-the-Job Disability" (Form CS-14-25B) requesting either injury leave or sick leave as appropriate. (See Index Code 37.63 of Personnel Manual).

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Employee's Department

4. Department/Division Supervisor reviews, comments upon and signs ES-1531A; investigates circumstances of disability and completes "Supervisor's Accident Investigation Report" (ES-1531B). (See Administrative Regulation 75.30).
5. Forwards original and two copies of ES-1531A, and original and one copy of ES-1531B, to Claims and Insurance Division as soon as possible, but no later than the first working day following receipt of the Employee-Employer Report. Retains one copy of each form for departmental records.
6. In lost-time cases only: forwards original and two copies of CS-14-25B to the Safety and Loss Prevention Division; retains one copy for files.

Claims and Insurance
Division, Worker's
Compensation Unit

7. Receives Employee-Employer Report of Occupational Injury or Illness and reviews for eligibility under the the California Labor Code.
8. Assigns a claim number and initiates a case file on all cases, involving investigation, medical treatment, lost-time or litigation.
9. Enters case data in monthly statistical and expenditure log.
10. Contacts treating physicians and supplies medical report forms when appropriate.
11. Sends copy of Form ES-1531A to State Department of Industrial Relations; retains original for claim file.
12. Initiates "Notice About Your Worker's Compensation Benefits" (Form DIA 500) in accordance with the law.
13. When appropriate, completes form letters which explain type and amount of benefits for which injured employee is eligible.

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14. Prepares "Direct Payment Request" (Form AC-468), itemizing all payments by nature of expenditure and case number, and forwards to the Auditor's Office.
- Auditor & Comptroller
15. Prepares Worker's Compensation checks and mails to employee.
16. Makes payments of all medical and miscellaneous bills in accordance with Direct Payment Requests.
- Claims and Insurance
Division, Worker's
Compensation Unit
17. Maintains records by individual case of all Worker's Compensation payments, medical expenses, and sick leave or injury leave amounts.
18. Maintains monthly statistical and expenditure log, and prepares monthly reports.
19. Coordinates the Worker's Compensation Program with the administration of the Public Liability and Claims Recovery Programs (see Administration Regulation 62.10).

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APPENDIX

Legal References

- (1) Division 4, California Labor Code
- (2) City Attorney's Opinion re: Sections 80 and 90, City Charter, dated 8/17/66
- (3) Personnel Manual, Index Code 37.63
- (4) Administrative Regulation 63.10, Recovery of City Costs for Employee Accidents Caused by Other Persons
- (5) Administrative Regulation 62.10, Procedure for Processing Personal Injury & Property Damage Claims
- (6) Administrative Regulation 75.30, Accident/Injury Investigation
- (7) Occupational Safety and Health Act, Section 5A

Forms Used

- (1) Form ES-1531A (State Form 5020), Employee-Employer Report of Occupational Injury or Illness
- (2) Form ES-1531B, Supervisors Accident Investigation Report
- (3) Form ES-1532, Doctor's First Report of Occupational Injury or Illness
- (4) Form ES-1533, Doctor's Monthly or Final Report and Bill
- (5) Form ES-1535, Industrial Injury Abstract
- (6) Form ES 1540A, Industrial Accident Report
- (7) Form ES-1540B, Worker's Compensation Report
- (8) Form DIA 500, (State Form), Notice About Your Worker's Compensation Benefits
- (9) Form AC 468, Request for Direct Payment

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Manuals Involved

- (1) Worker's Compensation Office Procedures Manual

Subject Index

- (1) Accident - City Employee Occupational Injuries or Illness
- (2) Claims - Occupational Injuries or Illness, City Employees
- (3) Injury - Occupational Injury or Illness, City Employees
- (4) Personnel - Employee Occupational Injury or Illness Claims
- (5) Report - Employee-Employer Report of Occupational Injury or Illness
- (6) Worker's Compensation